

Message

From: Goodin, John [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3EAC342F280A4B9DB4079C81F66D1913-JGOODIN]
Sent: 5/11/2020 2:51:26 PM
To: Eisenberg, Mindy [Eisenberg.Mindy@epa.gov]
Subject: FW: Deliberative: Assumption

FYSA

From: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>
Sent: Monday, May 11, 2020 10:42 AM
To: Goodin, John <Goodin.John@epa.gov>
Subject: FW: Deliberative: Assumption

From: Gettle, Jeaneanne
Sent: Thursday, May 7, 2020 5:01 PM
To: Walker, Mary <walker.mary@epa.gov>
Cc: Blake Ashbee (ashbee.blake@epa.gov) <ashbee.blake@epa.gov>; Beverly Banister <Banister.Beverly@epa.gov>; Allenbach, Becky <allenbach.becky@epa.gov>; Palmer, Leif <Palmer.Leif@epa.gov>; Ghosh, Mita <ghosh.mita@epa.gov>
Subject: Deliberative: Assumption

Deliberative – Do Not Release

Mary,

I mentioned to you yesterday that a question had come up regarding the National Historic Preservation Act and how/if it needs to be addressed in FL assumption. When I spoke to you I indicated that the issue was raised in the OW immediate office and that was correct; however, today I learned that it also came up in a comment that FL received on their rule package. Specifically, they received the following comment from the Seminole:

If EPA's review of the State's 404 assumption package is determined to be a discretionary action, the Seminole Tribe asserts that the National Environmental Policy Act and Section 106 of the National Historic Preservation Act are triggered in addition to Section 7 of the Endangered Species Act (ESA).

We are in the process of following up with OGC and OW to get their perspective on this issue, but it appears that this will require additional discussion.

Thanks

Jeaneanne